

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *

M/V COSCO BUSAN/BRIDGE ALLISION *

SAN FRANCISCO, CALIFORNIA * Docket No.: DCA-08-MM-004

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Interview of: CAPT. PETER McISAAC

Thursday,
 January 31, 2008

The above-captioned matter convened, pursuant to
 notice, at 10:40 a.m.

BEFORE: BARRY STRAUCH
 National Transportation Safety Board

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I N T E R V I E W

(10:40 a.m.)

MR. STRAUCH: It's now, let's see, 10:40. We're interviewing Captain McIsaac of the San Francisco Bar Pilots Association.

And, Captain McIsaac, again I have your approval to record this interview?

CAPT. McISAAC: Yes.

THE INVESTIGATOR: Again, I'll ask everyone to identify themselves when it's their turn to ask questions, and then also -- questions, and we'll go around to the -- you went last time, right? So let's go this --

INTERVIEW OF CAPT. PETER McISAAC

BY MR. STRAUCH:

Q. And -- you were interviewed previously by the NTSB and the parties?

A. Yes, I was.

Q. Okay. Since I have just been assigned to this investigation, I would ask you to please bear with me if I ask questions that you were asked before. And I know that you were asked about your background and your position and so on. Could you just briefly describe the difference between what the Bar Pilots Association and what the California State Commission, Board of Commissioners does in terms of overseeing pilots?

A. The difference between the two in the oversight of

1 pilots?

2 Q. Well, I guess the differences in the authority and
3 the jurisdiction and the responsibility.

4 A. Okay. The San Francisco Bar Pilots is structured as
5 an association, and I am the Port Agent and President, and the
6 Port Agent actually has certain duties in the State Harbors and
7 Navigation Code; and one of the duties is the general oversight
8 of the pilots of the Association -- well, of the pilots
9 actually. And, and I am also the point of contact for the
10 Pilot Commission as far as the, the pilots. And obviously,
11 under those duties, you know, you know, I have to report to the
12 Commission immediately following notification of an incident or
13 accident. If I suspect someone of being incapable of piloting
14 for any reason, I have to notify the Commission. And just
15 general business oversight. The Commission is a state board
16 consisting of five members or seven members: two from industry,
17 two from the Pilot Association, and three from the public.
18 They are all appointed and -- by the Governor and confirmed by
19 the State Senate. And they have a -- well, they're, they're
20 able to serve two four-year terms and frequent -- well,
21 typically the President of the Commission is always a public
22 member, and it rotates typically on an annual basis and it's
23 able to do so. We have an Executive Director, a Secretary, and
24 the -- they actually license the pilots with a state license
25 that's renewed annually; and they oversee the, the training,

1 the -- well, they review the finances of the pilots. Like if
2 we're purchasing new, new equipment, new boats, they, they
3 oversee that as well. And obviously they also do
4 investigations of pilot incidents and, you know, I assume
5 you're aware of what they can do under -- with those
6 investigations as far as suspension revocation and.

7 Q. So who is responsible for taking follow-up action
8 against a pilot after a mishap, the Commission or the
9 Association?

10 A. What do you mean follow-up action?

11 Q. If there's any additional training or any
12 disciplinary action that's taken as to pilots, who, who
13 administers that, the Commission or the Association?

14 A. The Commission.

15 Q. Okay.

16 A. And like, well, in the past that they've had if
17 they've had to do remedial training or even go -- sometimes
18 they'll mandate that a pilot go observe a number of jobs.
19 Obviously we help facilitate that, but it is overseen by the,
20 the pilot, him or herself, and the Commission.

21 Q. You said if the Association suspects that a pilot is
22 not capable of performing adequately that it's your
23 responsibility to report that to the Commission?

24 A. Well, actually if I suspect any drug or alcohol use,
25 then I have to report that to the Commission.

1 Q. And you -- how many times have you done that in your
2 tenure as Port Captain?

3 A. Port Agent, I've been --

4 Q. I'm sorry.

5 A. -- five years total in two different stretches, and
6 I've never reported it as far as drug and alcohol. I have
7 reported a pilot who I was concerned with behavioral issues,
8 and that was in 2004.

9 Q. Was that Captain Cota?

10 A. Yes.

11 Q. Was that the Tarawa incident?

12 A. Yes.

13 Q. Was that the only time you reported behavioral issues
14 to the Commission?

15 A. Yes.

16 Q. And the Commission -- well, who was responsible for
17 following up that particular incident, the Association or the
18 Commission?

19 A. The Commission.

20 Q. Okay. And how satisfied were you with the
21 disposition of that incident or the resolution of that incident
22 rather?

23 A. I think they did what they needed to do. You know, I
24 was concerned with his emotional well-being or stability, and
25 they sent him to, to be evaluated and determined that he was,

1 that he was fit for duty, and they sent him back. The only
2 issue is, is that at that time almost immediately after I did
3 that or within two weeks after I sent them that letter, then I
4 went back to piloting. I was no longer Port Agent. So I did
5 not follow it as closely as I would have had I been continuing
6 as Port Agent.

7 Q. Had you been Port Agent what would you have done
8 differently to follow-up?

9 A. From my understanding what they did, I wouldn't have
10 done anything differently.

11 Q. Have you seen -- what other incidents have you seen
12 in Captain Cota's performance over the years that made you
13 suspect that he may not have been fit to perform as a pilot?

14 A. None.

15 Q. Was that the only incident?

16 A. Yes.

17 Q. Okay. Are you aware of the other groundings and
18 other incidents that he had in his career?

19 A. I, I heard -- once again, I was not Port Agent when
20 there was a grounding, although that being said, that ship was
21 over here for about three months I believe, and I'm not trying
22 to make excuses, but that she was a notoriously bad handling
23 ship. It's a -- Laker that CSL, Canadian Steamship Lines had
24 out here for -- they sent it out here for a couple of months,
25 and it, it was a piece of work. Very small rudder. I, I was

1 aware as Port Captain at Crawley Maritime when there was an
2 incident probably in about 1988 that involved Captain Cota, and
3 I was part of the investigation because it was a, a flat two
4 from the shipyard in Alameda up to the Reserve Fleet, and the,
5 the reason I was involved is just -- to protect the tugboats
6 interest, the tugboat company's interest in that one, so.

7 Q. What was the name of the vessel that the former Laker
8 that handled poorly?

9 A. That's the --

10 UNIDENTIFIED SPEAKER: Pioneer.

11 BY MR. STRAUCH:

12 Q. And the approximate year of that incident? 2006,
13 February 2006?

14 A. I don't know.

15 Q. Okay. The -- according to the records Captain Cota
16 was involved in, including the Tarawa -- 1997, 2, 3, 4, 5, 6
17 incidents including the Tarawa and the Cosco Busan, how
18 representative of that is that record of incidents compared to
19 the other pilots in the Association?

20 A. I would -- well, I would say that it's probably on
21 the, you know, if -- I would say it's probably on the heavy
22 side compared to a lot of the other pilots, so.

23 Q. How does the Association proactively monitor pilots
24 to ensure that there are no performance degradations,
25 performance deficiencies so that a pilot wouldn't have a

1 particular heavy record of incidents?

2 A. Well, the Association doesn't do it as a matter of
3 course. Obviously, whenever I'm made aware of anything that's
4 reportable, I have to report it, and that is a -- I, I wouldn't
5 say we don't -- we don't actively monitor it. I mean that's
6 actually the job of the Commission. We're certainly aware of
7 it, but we don't actively monitor it.

8 Q. But it's your responsibility to report incidents and
9 accidents?

10 A. Yes.

11 Q. Would you not also be responsible to report trends in
12 performance to the Commission?

13 A. If I did see a trend, sure.

14 Q. Okay. Did you see a trend with Captain Cota?

15 A. No. I mean to me the -- what happened on the Tarawa
16 was totally unrelated. That was more of a -- an emotional
17 issue or a pilot fitness issue than a grounding would have
18 been, and the four years that I was Port Agent previous to
19 this, this time, I believe the only incident Captain Cota was
20 involved in was the -- incident, so.

21 Q. When does a series of incidents and accidents become
22 a trend of performance rather than isolated, individual
23 incidents and accidents that are reported as, as such to the
24 officials?

25 A. Well, I would say any, any multiple incidents within

1 a five or six-year span would -- should certainly raise a red
2 flag.

3 Q. Did Captain Cota's performance raise a red flag?

4 A. No.

5 Q. Shouldn't it have?

6 A. Well, if you think about if it's a, you know, to me
7 if there's a incident regarding pilot fitness, that to me is
8 not, you know, then it's followed up by a grounding a couple
9 years later, you know, that doesn't raise a whole lot of
10 concern with me. I mean, you know, we do, we do couple hundred
11 jobs per year, and on a -- as a matter of percentage, it's not
12 a very high percentage. So, hey, I think if you saw similar
13 incidents on -- yeah, I think if you saw similar incidents that
14 you could, you know, where there is something lacking in a
15 pilot's training or possibly if eyesight is going or something
16 like that, I think certainly you could establish a trend, but
17 if, if there's dissimilar incidents with a lot of time in
18 between, I don't think that establishes a trend.

19 Q. Okay. Are pilots required to report medication use?

20 A. To me?

21 Q. Yeah, to the Commission.

22 A. Well you're required to do it --

23 Q. To the Association. I'm sorry.

24 A. No, not to the Association.

25 Q. Does the Association have any requirements governing

1 use of medication?

2 A. No. No, because there's -- the Coast Guard has
3 requirements as does the Commission.

4 Q. You said that -- it was your responsibility to report
5 drug and alcohol use to the Coast Guard. What kind of drug use
6 do you report or would you report to the Coast Guard?

7 A. Well, if I saw a pilot impaired, then by law, I have
8 to report that.

9 Q. Okay.

10 A. And obviously -- and then by law, I also have to have
11 them immediately tested, so.

12 Q. What is your policy with regard to DUI convictions,
13 if someone has a DUI conviction?

14 A. We don't really have a policy, because to my
15 knowledge, no one ever has.

16 Q. Captain Cota had one in --

17 A. I just learned that recently, so.

18 Q. Okay. But now that you know that, should there be a
19 policy?

20 A. I don't, I don't have an answer to that.

21 Q. Were you aware that he spent time in an alcohol
22 rehabilitation program after the --

23 A. No, I wasn't.

24 Q. Should you have been or should the Association?

25 A. The Commission certainly should have been made aware.

1 Q. Do you know if they were?

2 A. No, I don't. Well, no, I don't think they were.
3 Because had they been, it would have been public knowledge.

4 Q. Okay. If you knew that someone attended an alcohol
5 rehabilitation program, what kind of monitoring would the
6 Association do to make sure that there was no recidivism either
7 for chemical or for substance, alcohol abuse?

8 A. Well, we're obviously subject to the Department of
9 Transportation drug and -- random drug and alcohol test or drug
10 testing actually, and obviously if I was made aware of someone
11 who smelled of alcohol or, or, you know, looked inebriated,
12 then that would certainly trigger a drug and alcohol test. But
13 as far as active monitoring, you know, I haven't given that a
14 whole lot of thought because we, we haven't had to deal with
15 it, so.

16 Q. What is your policy with regard to post-accident drug
17 and alcohol testing?

18 A. Well, we follow the -- with the Coast Guard or DOT
19 policies?

20 Q. Both.

21 A. Okay. We follow the DOT's post-incident drug and
22 alcohol testing.

23 Q. What is the requirement for retention of alcohol
24 strips and so on?

25 A. I don't know. As far as my understanding is, is that

1 you did not have to submit those. You have, you have to take
2 it, have it witnessed and fill out a form, but I don't recall
3 what the -- I would assume most people would just hang on to
4 them but -- unless asked for them.

5 Q. Did the Commission, did the Association hang on to
6 the strip used to test Captain Cota?

7 A. Not that I'm aware of.

8 Q. Should they have?

9 A. Well, I assume that the pilot being tested did, but
10 we don't put a whole lot of faith in those alcohol strips, and
11 that's why, you know, we immediately -- well, as soon as
12 possible we get a -- what we would consider a real test.

13 Q. Where did Captain Cota go for the real test?

14 A. Came back here and we called a mobile collection
15 service.

16 Q. What is the name of the mobile collection service?

17 A. I believe it's Global Collections.

18 Q. And did they collect the specimen and analyze it or
19 just collect the specimen?

20 A. For alcohol they, they actually have a, a meter that
21 they -- prints out a receipt, and then they collect the
22 specimen as well, and they maintain custody of it and send it
23 to a lab for testing.

24 Q. The name of it again is Global?

25 A. Global Collections, I believe is the one we use. But

1 we use various, depending, you know, we cover such a large
2 geographic footprint and you only have two hours to get it
3 done, so we have a Catholic Health Care is one of the services
4 we use. We use a number of different services, which depends
5 on the, the area of the, you know, where the incident happened.

6 Q. But with Captain Cota, that was the name of the group
7 that --

8 A. Yes, Global Collections.

9 Q. And how soon after the accident did Global
10 Collections perform -- obtain the specimen?

11 A. Just about two hours.

12 Q. What is the Association's policy as to pilots
13 cooperating with Coast Guard after an incident?

14 A. As far as the -- well, you know, we've actually, we
15 don't have a, a written policy per se, and a lot of times it
16 depends on the attorney that the individual pilot uses, if the
17 pilot is using an attorney. But we, obviously, the, you know,
18 no one has ever refused to meet with the Coast Guard or
19 anything like that to my knowledge, so.

20 Q. With the Association, is there any kind of a
21 timeframe in which this occurs, the cooperation of the Coast
22 Guard?

23 A. Well, that's usually between the pilot and the Coast
24 Guard.

25 Q. What actions does the Association take immediately

1 after this incident with regard to Captain Cota's availability
2 -- making his availability to the Coast Guard?

3 A. He met initially with the Coast Guard here, the
4 investigators, I believe early afternoon of the day of the
5 incident, and then he arranged a -- I believe he met with them
6 the following day as well for a more -- for a full interview,
7 so.

8 Q. Why did the Association take Captain Cota off the
9 vessel right after that?

10 A. That's fairly typical, especially in a accident of
11 this magnitude. I mean you have a person up there who is
12 obviously shaken up, and you want to get them off. We put a
13 fresh pilot onboard. I talked to Captain Uberti, told him we
14 were going to do that in my initial phone call. I told him
15 that once the vessel was safely anchored, we were going to
16 replace that pilot with a, with a fresh pilot, and that we
17 would bring Captain Cota back here for drug and alcohol testing
18 and he would be available to the investigators here. And then
19 when I did that, I called and left a message for Captain Uberti
20 as well, so.

21 Q. What are the policies of the Association with regard
22 to pilots' use of laptops?

23 A. It's up to the individual.

24 Q. What is your personal policy?

25 A. Well, personally, I haven't used one. I've -- tested

1 them in the past with the -- but what has really changed for us
2 since we board at sea and lugging 24 pounds worth of equipment
3 up the side of a ship is not always, it's not always a safe way
4 to board the ship. What has really changed that's made it a
5 more useful tool for us is the pilot plug and the ability to
6 plug right into the pilot plug and download -- get the ship's
7 AIS information and overlay that right into your laptop
8 charting program, so. So it's gone from essentially a 20 to
9 25-pound package to as low as 5 to 6 pounds, because before you
10 used to have to carry multiple antennas and the cords to
11 connect them to and everything else, so.

12 Q. Do you encourage pilots to take along a laptop that
13 they would plug in on a vessel?

14 A. No. No, we don't encourage them at this point, but a
15 number of pilots -- we do have a -- we've had a longstanding
16 Technology Committee, and we actually had a -- one of our
17 retired -- well, one of our pilots that retired a couple of
18 years ago was the Chair of the American Pilots Association
19 Technology Committee for a number of years in the 1990s, so.

20 Q. Given the diversity in displays -- diversity of
21 equipment and so on, how does a pilot maintain proficiency in
22 being able to interpret the --

23 A. I think just with constant use. The other option,
24 you know, the pilot always has the option of typically it's one
25 of the mates that he will call over the mate to -- if you need

1 help with interpreting something or you need assistance tuning
2 a radar and you're having trouble with it, you know, you call
3 over someone who uses it on a daily basis and it's usually not
4 a problem.

5 Q. Was it a problem in this instance, this accident?

6 A. I don't know.

7 MR. STRAUCH: Hold on for now.

8 Steve, do you have any questions?

9 MR. BROWN: No, not at the moment. Thank you.

10 MR. WHEATLEY: Yeah, I just have a couple questions.
11 This is Ross Wheatley with the Coast Guard.

12 BY MR. WHEATLEY:

13 Q. Captain, based upon our previous interview with
14 Captain Maloney, the pilot commissioners, and also you had
15 mentioned the term incident. Does the Pilot Association define
16 anywhere either in their own policy or are they aware of
17 anything in regulations which defines an incident for purposes
18 of making a report to the Commission so that they may have the
19 opportunity to investigate?

20 A. No. We do not have a definition.

21 Q. How, how do you -- when you receive information, how
22 do you make a determination whether or not a, quote, incident
23 has occurred which should be reported to the, to the
24 Commission?

25 A. Well, most of them are rather evident, but if there's

1 any question whatsoever, I will call and discuss it with -- and
2 also there's sometimes when there's interaction incidents that
3 I will call and discuss it, and they will -- he will determine
4 whether or not it is investigated as an interaction or an
5 incident, depending -- if there was any damage, then it's more
6 of an incident, but there are times especially if a ship's in
7 lay up where they don't tend their lines, that will get
8 reported. The ship will move and just to, you know, I will
9 contact Captain Maloney, put him on notice of it, but then I'll
10 also contact the owner of the ship and let them know as well,
11 so.

12 MR. WHEATLEY: I don't have any more questions.
13 Thank you.

14 MR. STRAUCH: Captain --

15 BY UNIDENTIFIED SPEAKER:

16 Q. One question. The Association is basically for -- on
17 pilots rather than the regulatory function. Is my
18 understanding correct?

19 A. For charging and what? I'm sorry.

20 Q. I mean it's not an evidentiary body. It's just an
21 association of all, of all pilots in Bay area, and then you
22 just -- you are the --

23 A. Yes. We're -- actually we're not -- we don't have
24 all the pilots in the Bay area. There's a couple of Chevron
25 oil company pilots that are local docking pilots, and then

1 there's one independent pilot. But, yes, we are an Association
2 that, you know, obviously we can't all own pilot boats and all
3 have dispatchers and everything else. So we are put together
4 essentially as independent contractors for the benefit of
5 everyone actually as far as -- and most pilot groups in the
6 U.S. are structured that way.

7 Q. -- the question of -- Port Agents within the
8 Association and their responsibilities to the Commission. Can
9 you describe that authority with regard to dispatching pilots
10 or not with regard to your concerns for safety or maybe give
11 examples of how you've exercised that authority -- during your
12 tenure?

13 A. As far as not dispatching?

14 Q. Exactly.

15 A. Well, if I am concerned about a pilot or if a, a
16 newer pilot -- a new pilot goes through a step program over a
17 two-year period, and by statute, I can't dispatch them to
18 certain vessels.

19 And obviously, if I'm concerned about a pilot or if a
20 particular company does not want to employ that pilot, then I
21 would not dispatch them to that vessel. So like I said before,
22 typically -- well, Captain Cota was, you know, the one instance
23 that I was concerned about his emotional well-being where I
24 essentially put him on the beach. So I'm not quite sure if
25 that answers your question, but, you know.

1 BY CAPT. TOLEDO:

2 Q. Gary Toledo from OSPR. Good morning.

3 A. Good morning.

4 Q. Captain McIsaac, couple of questions just to kind of
5 follow-up on what Captain Hurt said or asked. As far as
6 dispatching a pilot, that is at your discretion depending on
7 the severity of the incident if there is an incident or your
8 discretion?

9 A. You mean post-incident?

10 Q. Yes.

11 A. Yes, that is true. That would be my discretion.

12 Q. Now, you had also mentioned that by statute you are
13 required to not dispatch a pilot if there was -- he was
14 involved in an incident, he or she was involved in an incident.
15 Or did I misinterpret that?

16 A. I think you misinterpreted that. No, if there's --
17 in the past there were some -- there was a -- well, let me, let
18 me back up. After an incident at a dock let's say if there
19 was damage to a dock, some terminals will say -- they will ask
20 that a pilot not be dispatched to a vessel coming or going to
21 that dock until the investigations are complete, and we honor
22 that. And we would just jump over that pilot and dispatch him
23 or her to something else.

24 Q. So I guess my second question would be is this a
25 written procedure in your guidelines as far as a procedure or

1 is this just at your discretion?

2 A. Essentially it would be at our discretion, but what
3 we do is we ask the company or the terminal to send something
4 in writing asking that.

5 Q. Okay. But as far as your procedures as the Port
6 Agent and the President, do you have any guidelines or
7 procedures that say this is the steps that you go through if --
8 if post-incident, and, you know, to make a decision whether to
9 dispatch a pilot or not? What I'm getting at is let's say that
10 you -- there was not -- you, you didn't get a request from a
11 terminal to not send Pilot X to work their dock, is there
12 anywhere in your guidelines or is there a set of written
13 procedures that says that as Port Agent if there is an incident
14 it is your discretion to not dispatch a pilot who has been
15 involved in an incident?

16 A. There's nothing in there that says it's my discretion
17 per se. It is a -- it's more of a -- we do have a set of
18 procedures to go through if -- to work through if a terminal or
19 a shipping company does not want that pilot dispatched, and
20 then if -- there is a, a timeline in there, and we typically
21 we're able to resolve it within six to eight months, depending
22 on how long the investigation takes. Sometimes we will --
23 depending on obviously the, the incident and what happened, the
24 terminal will request some remedial trips, and like I say, it's
25 typically resolved within six to nine months working with the

1 terminal, so.

2 Q. The second question is the, the Pilot Commission --
3 if there is an incident, the Pilot Commission conducts the
4 incident review and recommendations will come out of that, and
5 my understanding is that, and correct me if I'm wrong, is that
6 recommendations will come out in May and be shared with the
7 pilots let's say as a --

8 A. Yeah, there's a report that is generated, and that is
9 distributed to all the pilots, and they've actually even in the
10 past as part of the lessons learned, they mandated that a pilot
11 will speak to the trainees at one of their -- we have a monthly
12 evaluation meeting of all the trainees where a pilot will come
13 and speak to the trainees and go through the incident and talk
14 to them about it so that they can learn from it as well, so.

15 Q. Now is that, is that like a documented process that,
16 that, you know, one of the steps that the Pilot Association
17 takes when they receive the recommendation or once there is an
18 incident that the pilot who was in the incident or -- will talk
19 to the trainees or will, you know, speak to the trainees? In
20 other words, is it, is it just a matter of course that that's
21 what's done or is it actually look at -- this is the procedure
22 that we do or that the Pilot Association does as a result of an
23 incident?

24 A. No. That would be, if the Commission mandates it,
25 then it would be recorded as such, you know, because it would

1 be part of the remedial process. We do get the reports
2 distributed. Unfortunately there's times when by the time the
3 investigation happens and the actual report is written, it's
4 not always in a timely manner, but every pilot is supplied with
5 those reports, and it is as far as I know -- well, personally,
6 I always read every one because -- you can learn from it, you
7 know, either what to do or what not to do, you know, as part of
8 being a professional, so.

9 Q. How -- and based on those reports, that each pilot
10 would read or is expected to read, I assume that -- based on
11 those reports, are there any recommendations or policy changes
12 within the Association? In other words, in other words if, if
13 an incident shows that -- I'm going to use an example. Let's
14 say that a pilot change was conducted off of a shoal area. If
15 it is determined that this was not an appropriate area for a
16 pilot change, would a policy be instituted by the Association
17 saying that, you know, that from now on our policy is that
18 pilots will board in other locations or is that -- in other
19 words, how are the best practices ever made in policies in the
20 organization, the association?

21 A. We will change -- well, we will adapt, and obviously,
22 you know, if an incident shows that there's something that the
23 organization could have done better by -- in effecting a
24 change, we will, yes, we certainly would change. A lot of it
25 through is, you know, like there was a recent incident up near

1 New York Point, where a ship grounded, and there were, you
2 know, the problem with a lot of these things is a lot of it's
3 driven by weather, and that was -- that area up there, we don't
4 have a exact pilot change point because it depends which
5 direction and at what velocity the wind is blowing. So and we
6 had a very light boat up there, which can be quite a joy ride
7 in the middle of the night. So, so we don't have -- that one
8 varied by the weather, and obviously the timing of the up-bound
9 vessel or down-bound vessel and the boat itself, but, but, yes,
10 certainly we would react to if there's something that we can do
11 better, we should be expected to do better, so.

12 Q. And that would be something that you would share with
13 the -- Association?

14 A. Yes.

15 Q. And that would be -- now would that be considered a
16 policy change or would that be just an FYI?

17 A. Frequently it would be an FYI, but if, if it's
18 something at, you know, we've been for instance -- there's been
19 a lot of discussions on the pilot changes on, on the bar, on
20 the outside boats and as to whether or not which direction we,
21 we approach the boat at, you know -- whether or not he's going
22 to come around the stern or whether we're going to keep him
23 inside of us. And there's a lot of it -- there's been
24 discussions ongoing for almost two years, and we actually bring
25 in -- we've discussed it with some of the boat operators as

1 well, and if we decide to make a change to the standard
2 procedure, if we decide to make a change to the standard
3 procedure, then that would certainly be communicated to
4 everybody. I don't, I don't know that it would be adopted as a
5 written policy, because if you have a written policy, then you
6 probably shouldn't vary from it much, and it all depends on the
7 conditions and the number of arrivals and the directions and
8 everything else. So, but no, we do look at, you know, we do
9 frequently look at how we do business. Especially from a, you
10 know, from a dispatching and a boat, you know, anything that is
11 controlled jointly. You know, obviously, when a pilot's, you
12 know, part of the reason the ship hires a pilot is for his, his
13 free expertise onboard the vessel. And we don't tell him how
14 to, how to pilot onboard that vessel, especially once he's on
15 there. But, but certainly there are, you know, we do have our
16 port operated guidelines that recommended tugboats, you know,
17 recommended, oh, you know, just various things in there like
18 deep -- arrival. We recommend they arrive one hour before high
19 water at the, at the bar. So we do have best practices that
20 are already incorporated now, and we do look at those, and we
21 do change as needed, so.

22 Q. Thanks.

23 BY UNIDENTIFIED SPEAKER:

24 Q. Captain, how long after you became aware of the Cosco
25 Busan incident did you learn that Captain Cota was the pilot?

1 A. It was almost simultaneously. I was just, just
2 walking out when a pilot came in, told me that a -- that there
3 had been an allision with the Delta Span and, and he told me
4 who the pilot was, and about, I don't know, 30 seconds or a
5 minute later, Captain -- my assistant informed me that Captain
6 Cota was on the phone, so.

7 Q. Immediately after you learned of the incident, did
8 you have any suspicion in your mind as to who the pilot onboard
9 might have been?

10 A. No.

11 Q. When you learned it was Captain Cota, did it surprise
12 you that it was Captain Cota?

13 A. No. No. It was just a, you know, obviously the
14 visibility was very bad and the main concern at that point was
15 -- any time -- well, it was an allision with the bridge, and
16 that was my main concern at that point, so. And I -- Captain
17 Cota informed me that the -- there had been damage to the
18 fendering, but he, you know, the bridge looked intact, but that
19 that was the most -- that was the main concern at that point.

20 Q. Okay. When you -- how soon after the allision did
21 you talk to him? At what time --

22 A. Within probably 2 minutes, 3 minutes. It was
23 probably about 8:30.

24 Q. Did he say anything to you about the -- what happened
25 and why it happened?

1 A. No. No. He just said that he hit the Delta Tower.
2 He said that he was proceeding to Anchorage 7, and that the
3 tower, he thought that the tower was fine, but there was damage
4 to the fendering, so.

5 Q. How did he sound to you?

6 A. I won't say he sounded normally. He sounded excited.

7 Q. You said visibility was, was a concern at that time.

8 A. Well, the bridge was the main concern, but and
9 obviously we couldn't, you know, we couldn't see the bridge
10 from here, so that, that was the first thing we did. We jumped
11 on the pilot boat and ran over to the Delta Tower to ensure
12 that, ensure that there wasn't any damage to the tower itself.

13 Q. What are the policies, the guidelines of the
14 Association with regard to visibility and operations -- well,
15 I'm sorry, operations in restricted visibility?

16 A. We don't have any internal guidelines per se, you
17 know. It's part of the Harbor Safety Plan, and we were part of
18 the -- we're part, you know, we participate in the Harbor
19 Safety Committee.

20 Q. And what does the Harbor Safety Committee say about
21 operating in restricted visibility?

22 A. Essentially do not leave the dock or anchorage if
23 you're going to encounter visibility less than a half mile
24 along the route.

25 Q. What was the visibility at the time of the allision?

1 A. I don't know. You know the visibility here was
2 probably, it was certainly less than a half mile.

3 Q. Did Captain Cota comply with the Harbor Safety
4 Committee Guidelines?

5 A. I don't know what visibility he had when he departed
6 the dock, so.

7 Q. What would you have expected him to do given
8 visibility at that time?

9 A. Well, if -- I would not expect a pilot to leave a
10 safe dock or -- for that maneuver. That's a, it's a cross --
11 maneuver, and personally, you know, I can't say what he should
12 have done, but certainly knowing -- from what I heard about the
13 conditions, I would not have departed.

14 Q. Okay. Now should the Association put this particular
15 point of view into a strong -- just to ensure safety?

16 A. We're actually looking at that as we speak. We are
17 looking at that, and what we would do is work with the Coast
18 Guard and then the Harbor Safety Committee, and essentially
19 change the guidelines that are currently in the Harbor Safety
20 Plan.

21 Q. What are the changes, the modifications the
22 Association is considering --

23 A. We're considering identifying critical maneuvering
24 areas, areas similar to the guidelines that are -- well, not
25 even guidelines, but regulations that are in place for the

1 Union Pacific Railroad Bridge. And the, the one issue here is
2 you cannot have a blanket regulation because we deal with
3 summer fog constantly and, frankly, it would shut all the ports
4 down if you just had a blanket regulation.

5 Q. You said you read the reports that the Commission
6 distributes and reports are distributed to all Association
7 members.

8 A. Yes.

9 Q. How many other pilots do you believe read the reports
10 as you do?

11 A. I don't know. I assume they all do, but I don't
12 know.

13 Q. What is that assumption based on?

14 A. Well, I've seen a number of pilots reading them. A
15 lot of pilots will take them out on the pilot boat and read
16 them in between jobs, so.

17 Q. How, how does the Association recommend pilots deal
18 with communications barriers that emerge from the -- with the
19 crew members whose native language is something other than
20 English?

21 A. The Association doesn't recommend anything there.
22 Obviously, it's, it's really kind of what we do. I mean we're
23 on different ships all the time. We deal with different
24 languages all the time. We deal with different electronics all
25 the time. But that being said, they all have basic, basic

1 things in common, and, you know, any, any master is going to
2 have a -- there's times when you have to break it down to a
3 very simple seaman's English or language and, you know, I've
4 even had to draw, you know, draw on the back of the list or a
5 piece of paper just to get the point across. So the
6 communication is such that you, you actually get it as simple
7 as it needs to be to have the communication be effective.

8 Q. What about from the crew to the pilots? How does the
9 Association deal with that?

10 A. Well, there again, it would be individually it would
11 have to be, you know. The Association doesn't deal with it.
12 The individual pilot would deal with it.

13 Q. How much of a problem do you think this is?

14 A. I don't think it's that much of a problem. I mean
15 there's times when -- I, I've never had, you know, I've had to
16 ask the captains to bring up a, a mate or someone to help me at
17 times communicate, but that's pretty rare. I mean usually you
18 can -- communication can be a bit of an issue, but typically
19 it's -- there's ways to make it known. Especially prior to
20 sailing. You have plenty, you know, you have time to, to work
21 things out and make sure -- you know there's, there's a --
22 well, some people think that you should have this complete
23 master pilot exchange, and that's well and good if you get on
24 where the communications are going well, but there's other
25 times when like if you board a ship outside in the fog and

1 you're immediately, you know, have to ascertain your position,
2 the position of other vessels relative to you, the master pilot
3 exchange is done in a series of small conversations throughout
4 the transit as opposed to a formal exchange up front. And
5 that, I think that, you know, I can't speak for all pilots, but
6 I think that a lot of pilots do operate that way because you
7 can't -- there's times when you just don't have the time or the
8 -- or it can be more confusing if you try and impart too much
9 information at once. You're better off doing it in segments.

10 Q. What is the Association's policy regarding to master
11 pilot exchange?

12 A. We encourage it.

13 Q. Do you require it?

14 A. Well, we -- no. We don't require it. We do have a
15 pamphlet, an actual card. A lot of pilots have their own
16 master pilot exchange card, and a lot of them have it as a part
17 of their logbook where they'll sit with the -- or they'll, you
18 know, as the information exchange takes place, they actually
19 enter it right into their logbook, and that's how I handle it,
20 so.

21 Q. Should the Association require it?

22 A. Well, I don't think the Association should. I think
23 it should be left up to the individual pilot.

24 Q. Why do you feel that way?

25 A. Well, because it's just a, you know, if you require

1 it and it's not -- I mean basic information is always
2 exchanged, and it depends, you know, you have to tailor the
3 information exchange just to the circumstances. So to have a
4 set card that you use in every instance, I don't think, you
5 know, we, we can require it. Would I -- do I think it makes
6 the job safer or would it improve anything? No, I don't.

7 Q. We understand that the Commission requires pilots to
8 visit one of four physicians that they're designated to perform
9 physicals.

10 A. That's based on age. Over 50, you have to go
11 annually.

12 Q. Okay. And below 50?

13 A. I believe it's every four years up to 35 years old or
14 34 years old, and then it's every two years from 35 to 49, and
15 then it's every year after the age of 50.

16 Q. What's to stop a pilot from not sharing all of the
17 information he would provide his primary care provider with the
18 physician --

19 A. Well, I can't speak for -- well, let me just say that
20 I think that that is a concern as -- that's a concern to me
21 going forward inasmuch as anything that is -- well, anything
22 that is, you know, any sort of prescription has to be
23 disclosed. Any sort of diagnosis has to be disclosed. And one
24 of my concerns is going forward if things get tightened up too
25 much that there will be pilots and mariners in general who will

1 not want to go to the doctor and get something diagnosed if
2 it's going to put their livelihood at risk. I can't speak to
3 obviously all pilots, but, you know, just as a individual
4 looking at it, anything that, you know, if you have to go
5 through a waiver process or possibly even lose your, your
6 license and your means to make a living, then, you know, you
7 have to think about it, and I think it could actually backfire
8 to the point where people allow things to get, to get worse
9 than they would otherwise because they're concerned about
10 having to disclose it.

11 Q. Do all pilots share your understanding that all
12 medication uses must be reported to the Coast Guard?

13 A. Yes. Yeah, we send all that information out, and it
14 really tightened up post Staten Island ferry accident as you
15 probably know, and we -- as that information came out, I guess
16 it's been two plus years, we sent out all that information, and
17 each pilot submits it annually to the Coast Guard. They have to
18 have an annual physical as part of their pilot, first-class
19 pilot's license, and then that is submitted to the Coast Guard.

20 Everybody has been made aware, because there was a lot of
21 questions when it first came out exactly what they were
22 supposed to put on there, and worked through our -- we have a
23 national organization, the American Pilots Association, who was
24 in close contact with, I guess it was the NNC, and we got all
25 the information and distributed it.

1 Q. How do you know that Captain Cota got this
2 information and was made aware of it?

3 A. He told me. He told me that he had, had included
4 everything, all his -- well a number of pilots told me that as
5 did Captain Cota that, you know, they submitted it and they put
6 everything that they were diagnosed with or any medication that
7 they were taking, they put it on there.

8 Q. When did he tell you this?

9 A. I don't think that was this year. Must have been two
10 years ago.

11 MR. STRAUCH: Okay. Anybody else questions? Steve?

12 MR. BROWN: No thank you.

13 BY CAPT. HURT:

14 Q. Rick Hurt of the Bar Pilots again. Just a follow-up
15 question. We talked about the challenges of communicating with
16 foreign crews, is, is dealing with foreign crews and
17 nationalities and languages part of the existing exchange
18 program?

19 A. Yes.

20 CAPT. HURT: Okay. That's all I have.

21 BY CAPT. TOLEDO:

22 Q. Gary Toledo with OSPR. Captain McIsaac, one
23 question. With respect to the Harbor Safety recommendations as
24 far as -- are these communicated to all the pilots in the
25 Association, these recommendations?

1 A. I can't -- you know they were changed a couple of
2 years ago, and our representative, Captain Bob Pender (ph.),
3 did send out a notice when they were changed. So, yes, they
4 were communicated.

5 Q. Okay, and that was -- that's previous to the Cosco
6 Busan incident?

7 A. Yes.

8 Q. So they were distributed to the Association?

9 A. Yes.

10 Q. Okay. Thank you.

11 A. You're welcome.

12 CAPT. TOLEDO: No further questions.

13 MR. STRAUCH: Anybody else?

14 Captain McIsaac, thank you very much.

15 CAPT. McISAAC: Okay, thank you.

16 MR. STRAUCH: Appreciate your cooperation.

17 (Whereupon, the interview in the above-entitled
18 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: M/V COSCO BUSAN/BRIDGE ALLISION
 SAN FRANCISCO, CALIFORNIA
 Interview of Capt. Peter McIsaac

DOCKET NUMBER: DCA-08-MM-004

PLACE:

DATE: January 31, 2008

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Katherine Motley
Transcriber